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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,406	04/17/2001	Marko Eromaki	442-010149-US(PAR)	7245

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/836,406

Applicant(s)

EROMAKI, MARKO

Examiner

Jack Chiang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

CLAIMS

Art Rejection

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7, 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Murphy (US 6667738).

Regarding claim 1, Murphy shows:

A user interface (20);

A first cover element (101) which is moveable between a first position (closed position) and a second position (open position);

An electrical motor (210) for converting electrical power into a first rotational movement having a first angular speed;

Converting means (202-203, 206-207) for converting the rotational movement into a movement of the first cover element (101) between the first and second positions on a surface of the user interface (20).

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Regarding claim 13, Murphy shows:

A user interface (20);

A cover element (101) which is moveable between a first position (closed position) and a second position (open position);

The steps of:

Converting (210) electrical power into a first rotational mechanical power with a first speed by an electrical motor (210);

Converting (202-203, 206-207) the first mechanical power to a movement of the cover element (101) between the first and second positions on a surface of the user interface (20).

Regarding claim 7, Murphy shows:

The user interface (20) has two configurations, a compacted configuration (first/closed position) and an expanded configuration (second/open position).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Namiki Corporation (page 7, second paragraph of the present application).

Regarding claims 2-6, 14, Murphy shows:

The converting means comprising a gear (see 206) for converting the first rotational movement (210) into a second rotational movement, and a rotatable element (between 206, 200) for converting the second rotational movement (206) to a translational movement (200), and the motor (210), gear (206) and the rotatable element (200) are in line with each other.

Murphy differs from the claimed invention in that it does not explicitly mention type of motor, such as motor having an epicyclic gear, and the first and second angular speeds. However, Namiki teaches providing a motor having epicyclic gear and having first and second angular speeds, (see page 7 of the present application).

Hence, the concept of using a motor to drive a cover element is well taught by Murphy, it would have been obvious for one of ordinary skill in the art to use Murphy as it is, or to replace Murphy's motor with Namiki's motor because most motors are interchangeable/replaceable, this simply can be considered as a variation of Chikano as long as the basic concept of driving the cover element by using the motor is substantially unchanged.

5. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy in view of Chikano (WO 00/21155).

Regarding claims 9-12, Murphy shows the device.

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Murphy differs from the claimed invention in that it does not move a second moveable element.

However, Chikano teaches providing a motor (7) which moves a first cover element (9a, 6a) and a second moveable antenna element (8a, 3a) simultaneously at different speeds (page 7, lines 13-14) and in opposite directions (see 8a and 9a).

Hence, it would have been obvious for one of ordinary skill in the art to modify Murphy to move the cover and antenna elements simultaneously at different speeds and in opposite directions as taught by Chikano, such that the antenna can be extended or stored away simultaneously with the cover depending on the status of the phone operation (see Abstract in Chikano).

6. Claims 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-16 are allowed over the prior art of record because combination of the independent claim and the specific claimed combination of the sliding interface or second cover along with the first cover and their specific gear structure and movement as claimed in these claims.

ARGUMENT

7. In response to the remarks (pages 6-9) filed on 09-20-04, the 102 rejection under Chilkano has been withdrawn in view of the amendment. The issues raised in the claims and the argument are now answered in the rejections above, see comments above.

8. Applicant's arguments with respect to claims 1-7, 9-16 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

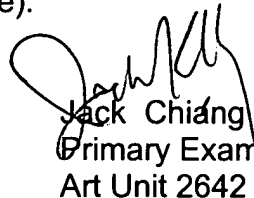
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642